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In re Colorado Independent Legislative Redistricting Commission

Exhibit 10

Staff Analysis Regarding Voting Rights Act

Attachments A, B, C, and D: Application of Voting Rights Act Compliance Policy to Final Senate Plan

The table in Attachment A shows the application of the "Geographic Overlap" analysis to the final Senate plan adopted by the commission. This table shows that it is unlikely there is racially polarized voting in proposed Senate District 3. Also, as can be seen by comparing the "Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in SD [X]" column to the "Hispanic Voting Age Population Percentage" column, proposed Senate District 21 exceeds the minority voting age population numbers that must be met for the minority candidate of choice to be elected. This is not the case with proposed Senate Districts 23, 24, 25, and 35. This can be explained for proposed Senate District 23 because in order to have sufficiently high Hispanic voting age population this proposed district would need to gain approximately thirty-two percent Hispanic voting age population, which suggests that the first *Gingles v. Thornburg*, 478 U.S. 30 (1986), factor could not be satisfied in this district. If the boundaries of the surrounding proposed districts were able to be redrawn to place a sufficient amount of Hispanic voting age population in proposed Senate District 23 to allow the Hispanic voters to elect their candidate of choice, the additional Hispanic voting age population would most likely need to be drawn from proposed Senate District 13. This would likely result in the Hispanic voting age population in proposed Senate District 13 no longer residing in a competitive district where there was a reasonable chance that their preferred candidate would be elected. Proposed Senate Districts 24 and 25 only cover approximately sixty percent of the geographic area of current Senate District 24. A large number of the voters in proposed Senates District 24 and 25 are majority voters who are likely to vote for the minority candidate of choice. Thus, as described below, the minority candidate of choice is reasonably likely to be elected in proposed Senate Districts 24 and 25. Finally, although current Senate District 35 shares a relatively large amount of area with proposed Senate District 35, it does not share a large number of voters. More specifically, proposed current Senate District 35 does not cover the San Luis Valley, but instead covers a large portion of the Eastern Plains.

The table in Attachment B shows the application of the "Voter Overlap" analysis to the Final Senate Plan based on 2018 and 2020 State Senate races. Looking at the "Share of Votes Cast in Election with Minority Preferred Candidates in the Proposed Senate District" column, only Senate Districts 3, 21, 23, 24, 25, and 29 had more than fifty percent of their votes cast in elections with minority preferred candidates. Among these Senate Districts, looking at the "Share of Votes Received by Minority Preferred Candidates in the Proposed Senate District" column, minority preferred candidates could reasonably be predicted to be elected in Senate Districts 3, 21, 24, 25 and 29, but not in the Senate District 23. Senate District 23 was discussed above.

Finally, the Voting Age Population tables for the current districts in Attachment C shows there are currently four majority minority voting age population Senate Districts. The Voting Age Population table for the Final Senate Plan in Attachment D shows that there are four proposed majority minority Senate Districts in the Final Senate Plan.

Accordingly, staff believes that the Final Senate Plan complies with the federal Voting Rights Act because there are no districts that meet all of the three preconditions described in *Gingles*.

Attachment A

Proposed Senate District #	Hispanic Voting Age Population Percentage	Hispanic Citizen Voting Age Population Percentage	% of Geographic Area of Current SD 3 in Proposed District	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in SD 3	% of Geographic Area of Current SD 21 in Proposed District	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in SD 21	% of Geographic Area of Current SD 23 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to Win in SD 23	% of Geographic Area of Current SD 24 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to Win in SD 24	% of Geographic Area of Current SD 35 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to Win in SD 35
3	37.98%	38.77%	99.99%	NOT POLARIZED		9.00%		45.20%		37.40%		60.40%
21	44.94%	37.99%		NOT POLARIZED	95.08%	9.00%		45.20%		37.40%		60.40%
23	13.77%	11.14%		NOT POLARIZED		9.00%	72.04%	45.20%		37.40%		60.40%
24	34.29%	26.10%		NOT POLARIZED		9.00%		45.20%	54.63%	37.40%		60.40%
25	19.22%	15.91%		NOT POLARIZED		9.00%		45.20%	45.37%	37.40%		60.40%
35	18.70%	17.97%		NOT POLARIZED		9.00%		45.20%		37.40%	59.38%	60.40%

Attachment B

Proposed Senate District	Share of Votes Received by Minority Preferred Candidates in Elections in the Proposed Senate District	Share of Votes Cast in Elections with Minority Preferred Candidates in the Proposed Senate District
1	27.7%	7.6%
3	66.8%	100.0%
4	29.2%	3.4%
6	46.4%	29.9%
15	27.3%	0.1%
17	50.9%	13.1%
19	66.6%	2.0%
21	63.3%	83.9%
23	36.1%	76.5%
24	51.6%	53.5%
25	56.9%	100.0%
27	58.0%	24.9%
28	60.7%	26.3%
29	64.3%	60.5%
35	37.8%	40.5%

District No.	Hispanic VAP	Non-Hispanic Black VAP	Minority VAP
D1	18.71%	1.79%	24.75%
D2	11.27%	4.01%	22.30%
D3	40.20%	2.41%	47.87%
D4	8.61%	1.86%	18.42%
D5	17.03%	0.85%	22.59%
D6	12.55%	0.52%	21.62%
D7	12.77%	0.91%	19.76%
D8	17.12%	0.76%	22.62%
D9	9.01%	3.28%	21.10%
D10	13.90%	5.39%	28.09%
D11	23.65%	9.67%	41.65%
D12	16.15%	7.99%	33.82%
D13	36.36%	2.16%	43.73%
D14	11.22%	1.89%	21.23%
D15	10.14%	0.86%	16.52%
D16	10.14%	1.21%	19.17%
D17	17.32%	1.31%	26.81%
D18	8.17%	1.41%	19.35%
D19	13.99%	1.44%	22.88%
D20	12.38%	1.36%	21.12%
D21	48.41%	2.71%	58.37%
D22	19.82%	2.00%	30.05%
D23	12.77%	1.13%	21.94%
D24	25.17%	2.07%	36.93%
D25	39.10%	5.52%	53.03%
D26	14.23%	7.38%	30.64%
D27	9.12%	4.66%	26.21%
D28	18.63%	13.98%	45.10%
D29	30.05%	16.83%	57.07%
D30	8.02%	1.81%	21.36%
D31	13.13%	9.01%	30.47%
D32	24.63%	2.77%	35.43%
D33	29.19%	19.43%	57.67%
D34	30.84%	4.25%	42.14%
D35	32.34%	1.54%	38.77%

District No.	Hispanic VAP	Non-Hispanic Black VAP	Minority VAP
D1	21.39%	1.66%	27.30%
D2	9.32%	2.04%	19.45%
D3	37.98%	2.20%	45.37%
D4	8.45%	1.86%	16.07%
D5	19.00%	0.64%	24.63%
D6	19.04%	0.65%	28.10%
D7	12.51%	0.88%	19.44%
D8	15.41%	0.78%	20.73%
D9	8.96%	3.33%	21.50%
D10	14.07%	5.73%	28.91%
D11	25.63%	11.20%	46.10%
D12	14.89%	6.96%	30.45%
D13	41.24%	2.41%	49.16%
D14	11.40%	1.86%	20.91%
D15	9.12%	0.85%	15.51%
D16	9.42%	1.41%	17.72%
D17	17.79%	1.30%	27.25%
D18	8.52%	1.50%	20.82%
D19	13.78%	1.38%	22.57%
D20	10.59%	1.19%	19.43%
D21	44.94%	2.67%	54.48%
D22	20.32%	2.15%	30.24%
D23	13.77%	0.85%	21.11%
D24	34.29%	2.11%	45.91%
D25	19.22%	1.97%	31.41%
D26	15.43%	7.63%	33.03%
D27	11.74%	8.08%	34.50%
D28	37.15%	16.66%	64.62%
D29	22.82%	17.72%	51.20%
D30	7.82%	1.77%	21.27%
D31	10.69%	5.86%	24.06%
D32	26.39%	6.36%	41.45%
D33	31.31%	20.40%	60.76%
D34	34.09%	3.54%	44.50%
D35	18.70%	2.19%	26.74%

Attachments A, B, C, D, and E: Application of Voting Rights Act Compliance Policy to the Final House Plan

The table in Attachment A shows the application of the "Geographic Overlap" analysis to the Final House Plan. This table shows that it is unlikely there is racially polarized voting in proposed House Districts 5, 7, 28, and 32. Also, as can be seen by comparing the "Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD [X]" column to the "Hispanic Voting Age Population Percentage" column, proposed House Districts 17 and 62 exceed the minority voting age population numbers that must be met for the minority candidate of choice to be elected. This is not the case with proposed House Districts 46, 47, and 56. This can be explained for proposed House District 56 because only approximately half of the geographic area of current House District 30 is contained within proposed House District 56 and current House District 30 does not share a large number of voters with proposed House District 56. Similarly, although proposed House District 47 covers a large amount of the geographic area of current House District 47, it does not contain a large number of the voters in current House Districts 47. Most notably, the population center of Pueblo is in current House District 47, but not proposed House District 47. Proposed House District 46, although not a majority minority district, is relatively close to being one and, according to the analysis described below, is reasonably likely to elect a minority preferred candidate.

The tables in Attachment B and Attachment C show the application of the "Voter Overlap" analysis to the Final House Plan based on 2018 and 2020 State House races. Looking at the "Share of Votes Cast in Election with Minority Preferred Candidates in the Proposed House District" column, only House Districts 5, 7, 17, 30, 32, 40, 42, 46, 47, and 62 had more than fifty percent of their votes cast in elections with minority preferred candidates. Among these House Districts, looking at the "Share of Votes Received by Minority Preferred Candidates in Elections in the Proposed House District" column, minority preferred candidates could reasonably be predicted to be elected in the following House Districts 5, 7, 17, 30, 32, 40, 42, 46, and 62, but not in House District 47. As discussed above, this can be explained by the fact that proposed House District 47 no longer includes parts of Pueblo, instead proposed House Districts 46 and 62 contain a large amount of the Hispanic voting age population in the Pueblo area and, as shown in Attachments B and C, are both likely to elect a minority preferred candidate.

The Voting Age Population tables for the current districts in Attachment D shows that there are currently seven majority minority voting age population House Districts, including one majority Hispanic voting age population district. The Voting Age Population table for the Final House Plan in Attachment E shows that there are ten majority minority proposed House Districts in the Final House Plan.

Accordingly, staff believes that the Final House Plan complies with the federal Voting Rights Act because there are no districts that meet all of the three preconditions described in *Gingles v. Thornburg*, 478 U.S. 30 (1986), except House District 62 that has been drawn to create a district in which the Hispanic preferred candidate has a reasonable chance of being elected.

Attachment A

Proposed House District #	Hispanic Voting Age Population Percentage	Hispanic Citizen Voting Age Population Percentage	% of Geographic Area of Current HD 5 in Proposed District	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in HD 5 in 2018	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in HD 5 in 2020	% of Geographic Area of Current HD 7 in Proposed District	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in HD 7	% of Geographic Area of Current HD 17 in Proposed District	Percent minority VAP must exceed for Hispanic preferred candidate to win in HD 17 in 2018	Percent minority VAP must exceed for Hispanic preferred candidate to win in HD 17 in 2020	% of Geographic Area of Current HD 28 in Proposed District	Percent Hispanic VAP must exceed for Hispanic preferred candidate to win in HD 28	% of Geographic Area of Current HD 30 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 30	% of Geographic Area of Current HD 32 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 32	% of Geographic Area of Current HD 46 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 46 in 2018	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 46 in 2020	% of Geographic Area of Current HD 47 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 47 in 2018	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 47 in 2020	% of Geographic Area of Current HD 62 in Proposed District	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 62 in 2018	Percent Hispanic VAP must exceed for Hispanic Preferred Candidate to win in HD 62 in 2020
5	28.63%	29.34%	84.68%	NOT POLARIZED	NOT POLARIZED	58.06%	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	49.60%	58.60%	42.30%	41.90%	
7	44.13%	33.77%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	49.60%	58.60%	42.30%	41.90%	
17	*53.02%	24.23%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	87.80%	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	49.60%	58.60%	42.30%	41.90%	
28	12.34%	12.05%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	58.17%	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	49.60%	58.60%	42.30%	41.90%	
32	48.90%	41.12%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	89.45%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	42.30%	41.90%	
46	36.10%	37.21%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	54.60%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	42.30%	41.90%	
47	29.87%	29.69%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	81.36%	49.60%	58.60%	42.30%	41.90%
56	11.12%	8.15%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	47.00%	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	42.30%	41.90%	
62	48.00%	47.99%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	63.20%	46.00%	NOT POLARIZED	30.70%	NOT POLARIZED	30.70%	NOT POLARIZED	NOT POLARIZED	NOT POLARIZED	43.80%	51.60%	43.80%	51.60%	49.60%	58.60%	89.79%	42.30%	41.90%

*Total VAP including Nonhispanic Whites

Attachment B

Proposed House District	Share of Votes Received by Minority Preferred Candidates in Elections in the Proposed House District	Share of Votes Cast in Elections with Minority Preferred Candidates in the Proposed House District
1	74.00%	9.77%
3	63.84%	1.43%
4	76.55%	4.29%
5	79.44%	85.89%
6	74.95%	1.52%
7	83.47%	100.00%
8	84.43%	29.83%
16	54.53%	5.56%
17	59.25%	85.17%
23	53.29%	3.52%
28	56.07%	34.12%
30	60.99%	57.18%
36	66.32%	5.41%
37	64.00%	0.69%
40	62.70%	84.04%
41	71.64%	10.59%
42	73.31%	83.64%
46	59.21%	100.00%
47	46.21%	56.02%
60	36.53%	21.26%
61	68.07%	0.02%
62	61.75%	100.00%

Proposed House District	Share of Votes Received by Minority Preferred Candidates in Elections in the Proposed House District	Share of Votes Cast in Elections with Minority Preferred Candidates in the Proposed House District
1	72.52%	10.04%
3	63.59%	1.81%
4	78.06%	4.72%
5	79.65%	85.86%
6	76.44%	1.89%
8	82.22%	3.67%
16	50.94%	6.37%
17	57.41%	85.38%
23	52.86%	3.93%
24	63.11%	3.85%
28	55.76%	33.12%
30	59.11%	58.49%
31	53.97%	24.22%
32	56.00%	95.13%
34	47.95%	9.77%
35	67.93%	31.44%
36	70.92%	47.08%
37	63.44%	1.04%
40	61.39%	78.81%
41	65.22%	3.89%
46	54.87%	100.00%
47	41.64%	57.48%
48	31.70%	0.88%
56	25.69%	2.74%
60	31.23%	21.64%
61	67.02%	0.03%
62	61.33%	100.00%

District No.	Hispanic VAP	Non-Hispanic Black VAP	Minority VAP
1	43.51%	1.59%	51.89%
2	9.42%	2.94%	17.39%
3	13.19%	2.01%	21.02%
4	46.43%	1.95%	52.21%
5	44.39%	4.85%	54.56%
6	9.41%	9.88%	25.33%
7	36.43%	28.30%	70.85%
8	15.69%	20.16%	40.28%
9	13.41%	8.92%	29.26%
10	8.26%	1.24%	16.89%
11	15.53%	0.76%	20.57%
12	15.08%	0.88%	20.91%
13	4.37%	0.64%	8.45%
14	8.19%	3.81%	18.98%
15	12.22%	6.79%	26.08%
16	11.72%	4.45%	20.93%
17	28.06%	14.65%	49.66%
18	11.69%	4.26%	20.27%
19	5.77%	1.71%	11.20%
20	8.65%	3.47%	17.90%
21	14.86%	10.21%	31.93%
22	7.98%	0.77%	12.66%
23	15.58%	1.48%	21.34%
24	13.06%	1.06%	18.33%
25	4.50%	0.48%	7.32%
26	19.30%	0.56%	21.79%
27	8.64%	0.71%	12.37%
28	20.54%	1.59%	27.92%
29	13.80%	1.15%	20.50%
30	35.50%	9.26%	50.90%
31	30.01%	1.75%	37.15%
32	50.88%	1.86%	56.77%
33	8.64%	1.01%	18.26%
34	29.00%	1.93%	36.99%
35	25.90%	1.49%	34.25%
36	18.74%	15.90%	43.96%
37	7.45%	5.31%	22.08%
38	5.86%	1.09%	10.16%
39	4.82%	0.73%	9.96%
40	13.30%	11.51%	33.69%
41	16.00%	15.55%	39.32%
42	36.82%	19.80%	63.47%
43	6.49%	1.28%	14.04%
44	7.04%	1.75%	14.79%
45	6.87%	1.18%	11.48%
46	35.78%	1.76%	39.75%
47	30.35%	1.77%	35.01%
48	17.85%	0.50%	20.65%
49	6.63%	0.42%	9.18%
50	38.22%	1.85%	43.10%
51	8.86%	0.51%	11.72%
52	10.59%	0.93%	15.88%
53	8.34%	1.48%	14.71%
54	11.90%	0.64%	14.90%
55	11.26%	0.74%	14.73%
56	19.98%	2.25%	26.77%
57	20.18%	0.53%	22.91%
58	12.37%	0.30%	18.00%
59	10.35%	0.45%	16.24%
60	9.66%	3.26%	15.69%
61	10.78%	0.57%	13.47%
62	46.38%	0.78%	49.72%
63	19.15%	0.69%	23.64%
64	19.87%	2.81%	24.99%
65	19.28%	2.73%	23.67%

District No.	Hispanic VAP	Non-Hispanic Black VAP	Minority VAP
1	43.39%	2.77%	55.19%
2	7.37%	2.03%	16.71%
3	16.66%	7.00%	32.84%
4	35.36%	2.78%	44.45%
5	28.63%	4.85%	41.05%
6	12.52%	9.14%	29.62%
7	44.19%	23.04%	77.92%
8	16.67%	16.29%	40.25%
9	14.94%	11.72%	35.60%
10	10.17%	1.77%	23.30%
11	22.10%	1.31%	31.11%
12	10.03%	1.29%	21.05%
13	11.82%	1.02%	17.90%
14	9.11%	3.50%	22.67%
15	16.75%	7.96%	35.59%
16	16.48%	5.60%	29.50%
17	30.46%	13.20%	53.02%
18	11.29%	3.97%	23.18%
19	14.91%	1.01%	23.92%
20	8.49%	3.00%	19.14%
21	19.70%	11.24%	40.98%
22	12.99%	5.16%	26.80%
23	15.38%	1.77%	24.47%
24	13.51%	1.22%	21.36%
25	6.37%	0.72%	13.14%
26	17.49%	0.78%	22.57%
27	9.88%	1.15%	18.14%
28	12.34%	1.48%	22.19%
29	15.12%	1.86%	26.97%
30	26.14%	2.40%	36.75%
31	42.55%	2.39%	53.72%
32	48.90%	3.57%	58.89%
33	12.25%	1.65%	25.11%
34	25.76%	2.19%	37.94%
35	46.86%	1.87%	56.80%
36	37.21%	15.42%	63.54%
37	8.00%	3.60%	24.36%
38	9.87%	1.55%	17.86%
39	7.20%	1.74%	19.32%
40	17.18%	12.41%	42.63%
41	21.28%	17.63%	49.50%
42	39.39%	21.06%	69.99%
43	8.01%	1.54%	19.96%
44	8.87%	2.30%	22.13%
45	9.36%	1.74%	17.79%
46	36.10%	2.35%	43.66%
47	29.82%	2.11%	37.15%
48	35.18%	1.30%	41.81%
49	5.37%	0.66%	12.16%
50	44.10%	3.16%	52.75%
51	10.66%	1.00%	17.23%
52	9.97%	1.56%	19.65%
53	12.78%	2.09%	22.76%
54	12.90%	0.76%	19.25%
55	12.93%	0.99%	20.32%
56	11.12%	1.76%	19.21%
57	24.26%	0.71%	29.68%
58	12.18%	0.53%	17.93%
59	11.34%	0.53%	22.74%
60	10.30%	2.76%	19.20%
61	10.84%	7.97%	33.44%
62	48.00%	1.68%	54.39%
63	21.42%	2.17%	27.30%
64	19.13%	0.97%	25.33%
65	10.88%	0.85%	17.21%